

#20

WOOD, HERRON & EVANS, LLP

JOHN D. POFFENBERGER
BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
A. RALPH NAVARO, JR.
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917

TELEPHONE: 513-241-2324

FACSIMILE: 513-421-7269

EMAIL: info@whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

November 13, 2001
VIA HAND DELIVERY

JOSEPH R. JORDAN
C. RICHARD EBY

DAVID E. PRITCHARD
DAVID H. BRINKMAN
J. DWIGHT POFFENBERGER, JR.
BEVERLY A. LYMAN, Ph.D.
KATHRYN E. SMITH
KRISTI L. DAVIDSON
P. ANDREW BLATT, Ph.D.
DAVID E. JEFFERIES
DAVID E. FRANKLIN
WILLIAM R. ALLEN, Ph.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
FRANK M. MUNGO (KY BAR)
BRETT A. SCHATZ
ALLISON A. DAVIDSON

TECHNICAL ADVISORS
HENRY M. LABODA, Ph.D.
LARRY D. MOORE, B.S.E.E.
DAVID W. DORTON, M.M.E.
RONALD J. RICHTER, M.D.
G. PRABHAKAR REDDY, M.S.CH.

VTRO-28

Karin Tyson, Esquire
Senior Legal Advisor
United States Patent and Trademark Office
Crystal Plaza 3
Washington, D.C. 20231

Re: Term Extension of United States Patent No. 4,490,351
VITREON®

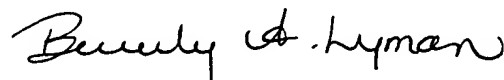
Dear Ms. Tyson:

Thank you for your continued assistance in our Request for Term Extension for the above-referenced patent. We share your quest to obtain information from the Food and Drug Administration (FDA Docket No. 98E-0849), and truly appreciate your continual efforts in this regard. We, too, have been frustrated in our repeated attempts to define the problem and/or to resolve this matter satisfactorily to allow the FDA to forward the case to the United States Patent and Trademark Office.

Our understanding is that the FDA's final determination of the regulatory review period is to be republished by the FDA in the *Federal Register*. It is our understanding that you are in contact with Ms. Grillo at the FDA but, to date, no publication has occurred. You have also been monitoring the *Federal Register*. Once publication has occurred, the United States Patent and Trademark Office can then prepare a Notice of Final Determination, indicating the length of the patent term adjustment, and the information to be printed for publication in the *Official Gazette*.

Please let us know if our understanding is incorrect. We otherwise very much appreciate your continued assistance and updates in this matter.

Very truly yours,



Beverly A. Lyman, Ph.D.

BAL:cmp

cc: Mr. Edward M. Beranek
David J. Josephic, Esquire

K:\VTRO\28\LTR Tyson status patent term extension.wpd